Supreme Court, U.S.
FILED

No. ____

05-802 DEC 22 2005

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In The
Supreme Court of the United States

SUNRISE CORPORATION OF MYRTLE BEACH;
BOULEVARD DEVELOPMENT LLC;
S&H DEVELOPMENT INC.,
Petitioners,

v.

THE CITY OF MYRTLE BEACH;
MARK McBRIDE; JUDY RODMAN;
RACHAEL BROADHURST; CHARLES MARTINO;
WILSON CAIN; CRAIN WOODS; LARRY BRAGG;
TOM CONN; TOM DAVIS; SALLY HOWARD;
FRED ROURK, Individually,
Respondents.

ON PETITION FOR WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

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A South Carolina trial court and two state appellate courts found that the City of Myrtle Beach's denial of Petitioners' land-use plan was a violation of Petitioners' due process and equal protection rights. The Fourth Circuit Court of Appeals said it was not either, nor could it be, as a matter of law.

QUESTIONS PRESENTED

1. Does the eventual grant of a land-use development permit pursuant to state court proceedings absolutely preclude any § 1983 action against a municipality, where a developer suffers actual damages?

2. Should an entitlement bar apply to § 1983 land-use actions claiming violations of due process, where some circuit courts of appeals have specifically refused to apply this rule, and where this rule has been harshly criticized by commentators?

3. Does the Full Faith and Credit Clause and 28 U.S.C. § 1738 allow federal courts to disregard express holdings, findings of fact, and conclusions of law in a state court proceedings without any justification or rationale, where the courts of South Carolina would be bound?

4. Did the Fourth Circuit Court of Appeals err in refusing to recognize a violation of equal protection in prior state court proceedings based on this Court's precedent?

PARTIES TO PROCEEDING

All parties to this proceeding are set forth in the caption.

CORPORATE DISCLOSURE STATEMENT WITH RESPECT TO THE PETITIONER

Petitioners, Sunrise Corporation, Boulevard Development, L.L.C., and S&H Development, Inc., are South Carolina companies that have no parent corporation. No publicly-held company holds 10% or more of Petitioners' stock.

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Petitioners, Sunrise Corporation of Myrtle Beach; Boulevard Development LLC; and S&H Development Inc., respectfully pray that a writ of certiorari issue to review the judgment of the Fourth Circuit Court of Appeals, published in the Federal Reporter at 420 F.3d 322 (2005).

OPINIONS BELOW

1. The Order of the Fourth Circuit Court of Appeals, entered August 26, 2005, published in the Federal Reporter at 420 F.3d 322 (2005), and reproduced at App. at 1, *infra*.

2. The Order of the District Court for the District of South Carolina, Entered August 10, 2004, is unreported and reproduced at App. at 14, *infra*.

3. The Judgment from the bench of the District Court for the District of South Carolina, September 4, 2003, is unreported and reproduced at App. at 175, *infra*.

4. The Dismissal of the Writ of Certiorari from the South Carolina Supreme Court, dated December 19, 2002, is unreported and reproduced at App. at 34, *infra*.

5. The Decision of the South Carolina Court of Appeals, dated February 13, 2001, is unreported and reproduced at App. at 35, *infra*.

6. The Order of the Court of Common Pleas for Horry County, South Carolina, filed May 13, 1999, is unreported and reproduced at App. at 46, *infra*.

JURISDICTION

The Fourth Circuit filed its decision on August 26, 2005, and entered an Order denying Petitioners' Motion for Rehearing and an *En Banc* Determination on